

House Study Bill 234

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to animal feeding operations by providing for
2 reports alleging violations of state law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1824YC 82
5 da/je/5

PAG LIN

1 1 Section 1. Section 455B.103, subsection 4, Code 2007, is
2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. The director shall only investigate a
1 4 report against an animal feeding operation which is the
1 5 subject of multiple reports of violations of this chapter or
1 6 chapter 459 by the same person as provided in section 459.511.
1 7 Sec. 2. NEW SECTION. 459.511 REPORTS ALLEGING
1 8 VIOLATIONS.
1 9 1. As used in this section, "enforcement authority" means
1 10 the department or a county.
1 11 2. If a person filing a report with an enforcement
1 12 authority alleging a violation of this chapter or chapter 455B
1 13 against an animal feeding operation has filed three or more
1 14 reports alleging a violation of this chapter or chapter 455B
1 15 against the same animal feeding operation in the preceding
1 16 two-year period with an enforcement authority and the reported
1 17 allegations were not violations of this chapter or chapter
1 18 455B, the enforcement authority shall refrain from conducting
1 19 an investigation of the current reported allegation until the
1 20 person files a form of financial responsibility in the form of
1 21 cash or approved sureties to pay all of the following:
1 22 a. Administrative costs incurred by the enforcement
1 23 authority relating to conducting an investigation.
1 24 b. Costs incurred by the owner of the animal feeding
1 25 operation which is being investigated or damages to the owner
1 26 of the animal feeding operation proximately caused by the
1 27 enforcement authority's investigation.
1 28 3. If after an investigation the enforcement authority
1 29 determines that the reported allegation is a violation of this
1 30 chapter or chapter 455B, the enforcement authority shall
1 31 return the form of financial responsibility to the person or
1 32 cancel it. However, if the enforcement authority determines
1 33 that the reported allegation is not a violation of this
1 34 chapter or chapter 455B, the enforcement authority shall
1 35 redeem and use the form of financial responsibility to pay for
2 1 costs as provided in this section, and return any remaining
2 2 amount to the person.

EXPLANATION

2 4 This bill adds a provision to Code chapter 459, the "Animal
2 5 Agriculture Compliance Act", which regulates animal feeding
2 6 operations and primarily confinement feeding operations. The
2 7 bill applies to a person who has filed a report with a county
2 8 or the department of natural resources (referred to as an
2 9 enforcement authority) alleging a violation of the Code
2 10 chapter or Code chapter 455B. According to the bill, if that
2 11 person has filed three or more such reports with the
2 12 enforcement authority in the last two-year period and those
2 13 allegations were not violations, the person must file a form
2 14 of financial responsibility (cash or a surety) with the
2 15 enforcement authority, pending the outcome of the
2 16 investigation of the animal feeding operation. If the
2 17 person's latest reported allegation is a violation, the cash
2 18 is returned or the surety canceled. However, if the reported

2 19 allegation is not a violation, the financial responsibility is
2 20 to be used to reimburse the enforcement authority for the
2 21 costs of the investigation and the owner of the animal feeding
2 22 operation for costs or damages arising from the investigation.
2 23 LSB 1824YC 82
2 24 da:nh/je/5.2